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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,490	08/17/2001	Leo Temoshenko	062891.0544	5211

7590  
09/23/2005  
Baker Botts L.L.P.  
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EXAMINER
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CHO, HONG SOL

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/932,490	TEMOSHENKO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hong Cho	2662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09012005</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on 9/1/2005. Claims 1-21 are pending in the instant application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ambe et al (U.S 6839349), hereinafter referred to as Ambe.

Re claims 1, 4, 20 and 21, Ambe discloses mirroring data packets in a network switch (*intercepting packets in a pipeline network processor*, column 2, lines 46-48) with input and output ports receiving and sending data packet (*receiving an information packet from an inbound port, determining an outbound port for the information packet*, column 3, lines 5-11), determining whether the outbound port has been identified for intercept processing, determining whether the destination has been identified for intercept

processing in response to the port being identified for intercept processing (figure 29e, elements 410 and 430) and making copy of the information packet in response to the destination being identified for intercept processing (column 53, lines 18-20).

Re claim 2, Ambe discloses placing an identity of a destination into information packet for subsequent determination of intercept processing (column 51, lines 27-32).

Re claims 3, 5, 18 and 19, Ambe discloses a fast filtering processor sending the packet to a mirrored port (*forwarding the copy of the information packet to an intercept receiver*, column 21, lines 1-3) and an address resolution logic forwarding the packet to a dispatch unit for destination routing (*forwarding the copy of the information packet to a routing processor for destination routing*, figure 14).

Re claims 6 and 7, Ambe discloses checking for egress mirroring with destination port in destination address lookup table (*comparing individually the destination to a list of reference destinations desired for interception with a match is found*, column 53, lines 18-20).

Re claim 8, Ambe discloses forwarding the information packet to the destination without copying in response to the destination not matching any of the reference destinations (column 53, lines 14-17).

Re claim 9, Ambe discloses determining whether the inbound port has been identified for intercept processing, determining whether the a source of the information packet has been identified for intercept processing in response to the port being identified for intercept processing (figure 29e, element 403) and making copy of the information packet in response to the destination being identified for intercept processing (column 51,

lines 48-50).

Re claim 10, Ambe discloses comparing the source to a list of reference sources in order to determine whether source has been identified for intercept processing (column 51, lines 51-53).

Re claim 16, Ambe discloses a system for intercepting packets comprising a packet interface operable to receive an information packet from a source at an inbound port, a pipeline network processor operable to forward the information packet to a destination through an outbound port, the pipeline network processor including a plurality of processing columns operable determine a destination for the information packet (column 3, lines 5-11), the plurality processing columns operable determine whether the source and destination are identified for intercept processing (figure 29e, elements 403, 410 and 430), the plurality of processing columns operable to build a copy of the packet in response to either of the source or destination for information packet being identified for intercept processing (column 51, lines 48-50; column 53, lines 18-20), a route processor operable to configure the pipeline network processor for intercept processing (figure 2, element 10 (switch-on chip)).

Re claim 17, Ambe discloses the plurality of processing columns configured to compare an address for the source and the destination to a configured list of intercept addresses (column 51, lines 51-53; column 53, lines 14-17).

***Response to Arguments***

4. Applicant's arguments filed on 9/1/2005 have been fully considered but they are not persuasive.

In response to applicant's argument on page 8 that Ambe fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., copy a packet after a determination that both an output port and a destination for the packet have been identified for intercept processing) are not recited in the rejected claim(s). Applicant further argues on page 9 that Ambe does not perform mirroring based on a source or a destination for the packet. The Examiner respectfully disagrees. Ambe discloses copying of the packet in response to either of the source or destination for information packet being identified for intercept processing (column 51, lines 48-50; column 53, lines 18-20). Therefore, the Examiner concludes that claims 1-10 and 16-21 stand rejected.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc

Hong Cho  
Patent Examiner  
9/21/2005



**JOHN PEZZLO**  
**PRIMARY EXAMINER**